

## Court Reform: Where do we go from here?

By Chief Justice Elizabeth A. Weaver

**S**ince I became Chief Justice, the questions I have been asked most frequently by judges and others concern what will happen next concerning court reform. “Are we finished being ‘reformed’?” “When can we get on with it?” “Can we take a breather?” “Can we get busy fixing the ‘mistakes’ of court reform to date?” “Will there be another effort to enact a constitutional amendment?” I have thought about these questions as well as the various proposals about further steps, and now that a joint resolution to amend Article VI, HJR F, has been introduced and hearings have begun, it is time to share with you my thoughts to date.

First of all, we must begin by recognizing that the judicial branch of government does not have the constitutional ability to unilaterally control where we go from here: the views of the Legislature, the Governor, and most importantly, the public, all play a role in the future of the court system. Nevertheless, it is my strong view that the Supreme Court *must* be the leading authority on all questions of court reform, and I intend to demonstrate the same high level of energy, commitment, and nonpartisanship displayed by my predecessor, Conrad L. Mallett, Jr.

Some of my views about court reform are well known, but have not always been correctly understood. I am, of course, a strong proponent of preserving the essential requirement that there be at least one judge elected exclusively in each county (except our smallest, Keweenaw) as the bottom-line commitment to what it takes *as a minimum* to serve the public. A related principle is that any existing judgeship should not be eliminated unless a judicial

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The Michigan  
Supreme Court's  
goals for the  
judiciary:

*Fairness*  
*Accessibility*  
*Accountability*  
*Effectiveness*  
*Responsiveness*  
*Independence*

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vacancy occurs or the incumbent judge is ineligible for or does not pursue re-election. While there is a widespread recognition that the distribution of judgeships throughout the state must be adjusted from time to time to reflect changes in population and caseload, as we face increasing pressure to downsize all aspects of our court system, the one-judge-per-county requirement serves as a powerful expression of the importance of putting basic judicial public service to an identifiable community first. It is a principled answer to calls for simplistic, formula-driven cost-cutting.

In addition to these principles, I want to share with you some other thoughts on court reform, some of which are long held views and others of which are the product of reflection over the past several months:

- Clearly, court reform in some form needs to continue. Court reform is a process, not a series of events or crises. It cannot be secured by the passage of any single legislative proposal, administrative initiative, or constitutional amendment, nor stopped by opposition to them. We must take each step in the process of court reform based on objective analysis of what works and what doesn't work to achieve identifiable goals of benefit to the public.
- The family court is a work in progress. Our experience to date shows that the family division can deliver real improvements in services to families, but that a change in structure alone does not necessarily achieve the desired results. A statewide stakeholder survey is now underway, to be followed by a circuit-by-circuit evaluation of the family division experiences to date. Both will yield valuable information. Similarly, our demonstration courts are providing a wealth of information about what works and doesn't work when all three trial court jurisdictional boundaries are adjusted for the purpose of becoming more responsive to the needs of the public. If those lessons are to be applied and incorporated in other suitable jurisdictions on a *permanent* basis, appropriate statutory and constitutional changes will eventually be needed.
- Judges and staff of the family division, or any other separate division within the court of general jurisdiction, must have a sense of "ownership" of the operation of the division and be empowered to make the decisions necessary to deliver optimal public service.
- Court records are the basic working material of the court system. In every type of court, court records must be managed professionally, in a fashion that is integrated with the management of the court's entire operation. As is the case with any well-run operation, there is no room for turf battles within Michigan's courts. Recurring conflicts about how court files are to be maintained, by whom, and under what circumstances — conflicts that have been heightened by, but are no means exclusive to the operation of the family division — must end. It is time to resolve these conflicts through a better articulation of clear standards and sensible lines of authority, developed by focusing on the best delivery of service to the public.
- Changes in the name of court reform must strike a balance between predictable guarantees of service to the public statewide and flexibility to meet the unique needs of citizens in each local community.
- A statewide, flexible, automated judicial information system network that incorporates, rather than disrupts, local automation systems is an essential tool of court reform.
- The judiciary must lead the court reform discussion by framing the dialogue in terms of public service. We must continue to have a vibrant internal discussion about all aspects of the future of the judiciary, but to be successful and maintain control of our own destiny we must speak to the other two branches of government on the fundamental elements of court reform with one strong voice.

In my view, a *well-crafted* constitutional amendment, by providing maximum flexibility and clarity, appears to offer the greatest opportunity for maximum benefit to the public in the long run and the greatest protection against harmful statutory "solutions". However, if an appropriate constitutional amendment cannot be achieved, we must pursue the goals of

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### Michigan Supreme Court REPORT

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improved public service by whatever means are available within the constraints of the present constitution.

To date, courts and judges have tackled the challenges of court reform and the family court with varying degrees of success, enthusiasm, and energy. The courts of our very largest and smallest counties have faced, and in some instances faced down, particularly daunting obstacles. With the guidance and blessing of the Supreme Court, the demonstration courts in Barry, Berrien, Crawford, Iron, Isabella, Kalamazoo, Lake, Otsego, and Washtenaw, and other resourceful courts in such counties as Kalamazoo, Jackson, Livingston, and Oakland have forged new paths of value for all of us. As public servants, we can never rest in our efforts to improve our delivery of service to the public, but in my view, those who have been in the forefront of change should enjoy our recognition and appreciation while the rest of their colleagues catch up.

The lessons we have learned to date prove that in court reform, “one size does not fit all.” We cannot expect all counties in this state, from the largest to the smallest, to deliver court services in exactly the same manner. In planning “what comes next” we must not forget this lesson.

The views I have expressed here are the product not only of my own unique experiences within the court system, but also of reflection upon the scores of conversations I have had with so many of you and others over the past several months. I am deeply grateful for your interest and input. I will continue to listen carefully.

## High court issues annual report, statistical summary for 1998

The Michigan Supreme Court has two functions under Article VI of the Michigan Constitution: to serve as the state’s court of last resort and to manage the state court system. Each function involves its own substantial workload and occupies the Court throughout its term, which runs from August 1 to the following July 31. The two functions must be handled simultaneously.

### Judicial Function

As the court of last resort, the Supreme Court receives annually approximately 2,400 to 3,000 applications for leave to appeal from litigants seeking review of decisions by the Michigan Court of Appeals. Each of the Supreme Court’s seven justices is responsible for reviewing each case at a rate of 200 to 300 a month to determine which should be granted leave. Justices analyze each case up to three times before a decision to grant leave to appeal is made.

In addition to this extensive review of cases, each justice is responsible for:

- reviewing 35 to 50 cases for conference several times a month;
- preparing 12 to 18 cases for each month of oral argument;
- writing majority opinions, concurrences and dissents;
- preparing for administrative meetings concerning court rules, discipline issues, board appointments and the like several times a month;
- attending to educational and communication responsibilities; and
- performing a variety of civic obligations, including speeches, classroom visits and conferences.

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## Changeover

### APPOINTMENTS:

**Boykin, Ulysses**, appointed to 3rd Circuit, effective 5/17/99, to succeed Brian Zahra, appointed to Court of Appeals.

**Dosson, Douglas**, appointed to Roscommon Probate Court, effective 5/27/99, to succeed Michael Baumgartner who was elected to the 34th Circuit.

**Kelly, Mary Beth**, appointed to 3rd Circuit, effective 5/24/99, to succeed Jeffrey Collins, appointed to Court of Appeals.

**Oxholm, Maria**, appointed to D36, effective 6/1/99, to succeed Greg Mathis who resigned.

**Wirth, Charlotte**, appointed to D17, Wayne County, effective 3/29/99 to succeed Daniel Ryan, appointed to Circuit Court.

### RETIREMENTS:

**MacKenzie, Barbara B.**, Court of Appeals, retiring effective 6/1/99. Judge MacKenzie has served the Court of Appeals since 1/1/79.

**Widgeon, Betty**, 14A District Court, Washtenaw County, resigning effective 7/30/99. Judge Widgeon has served the district court since her appointment 3/21/94.

### DEATHS:

**DeMascio, Robert E.**, Federal Judge and former Recorder’s Court Judge passed away 3/23/99. Judge DeMascio served the Recorder’s Court from 1967-1971.

**Baum, Victor J.**, retired 3rd Circuit Court Judge, passed away 4/6/99. Judge Baum served the 3rd Circuit from 1956 until 1983.

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## High court issues annual report, statistical summary

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The Supreme Court's authority to hear cases is discretionary. The Court grants leave to those cases of greatest complexity and public import where additional briefing and oral argument are essential to reaching a just outcome.

The Court issues a decision in all cases filed with the Clerk's Office, which means some 2,400 to 3,000 decisions a year. Cases that are not accepted for oral argument may be decided by an order with or without an opinion. These orders may affirm or reverse the Michigan Court of Appeals, may remand a case to the trial court, or may adopt a correct Court of Appeals opinion. In these instances, the Court deems further briefing and oral argument unnecessary. This system saves litigants and the public the considerable time and expense of full-scale briefing and argument where none is needed.

### Administrative Function

As manager of the Michigan court system, the Supreme Court has undertaken with the Legislative and Executive branches, state and local, to improve the system statewide for greater efficiency and accountability to the public. This endeavor includes:

- advancing the implementation of the family division of circuit court for greater efficiency and convenience for families;
- developing a statewide court information management system;
- developing trial court performance standards;
- reforming jury management practices; and
- overseeing the progress of seven trial court demonstration projects.

The Michigan Supreme Court in 1998 shouldered an unprecedented administrative workload, focusing on the advancement of court reorganization, issues related to court management, and innovations in local intergovernmental relations and communication with the public.

- **Pursuing greater convenience for families.** The Supreme Court strove to make the trial court system more user-friendly for families through a constitutional amendment to merge Michigan's circuit and probate courts and guarantee at least one judge per county elected exclusively by the voters of each county, to focus on family matters. The amendment would have completed the implementation of the family division of circuit court, which the Legislature created in 1996, by shifting a major portion of the probate court caseload into the new circuit court division.

While the family division was intended to serve families in a more efficient manner, it left intact a structure that still divided families between two courts. It also left the new division dependent on the Supreme Court for the temporary assignment of judges to its bench. The Court led an intensive effort, joined by judges and legislators from around the state, to reduce these obstacles to effective public service, a task that remains uncompleted.

- **Boosting efficiency in Lansing operations.** Throughout 1998, the Court worked with the Department of Management and Budget (DMB) to develop a program statement for a practical and functional building in Lansing to house the Supreme Court, Michigan Court of Appeals and State Court Administrative Office. The Legislature supported the architectural design work through a grant awarded to DMB in 1997. In December, the Legislature approved appropriations for construction of the building. The new building will be located at the west end of the Capitol Mall and is expected to be completed in 2003. It will streamline appellate and trial court management by housing key administrative functions in one location; they are now housed in offices scattered around Lansing. The building will also make the appellate courts more accessible to the public for the purpose of conducting court business and learning more about the judicial process in Michigan.

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## High court issues annual report, statistical summary

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- **Building cooperation in local government.** In another important initiative in 1998, the Supreme Court, together with the Michigan Association of Counties, hosted a series of seminars designed to foster stronger working relationships between trial court judges and local funding unit officials, particularly in the areas of court budgeting and personnel. The seminars built upon the new cooperative relationship between judges and funding unit officials that formed the basis of Supreme Court Administrative Order 1997-6. Seminar participants acquired insights into the operations and mutual interests of trial courts and funding units, and learned ways to approach and resolve conflicts that arise between them. The seminars broke the ice between two groups that had often addressed each other only in formal circumstances, each having little understanding of the other's needs and limitations. The theme of each seminar — that judges and funding unit officials must together make local government work — set the stage for a valuable and productive approach to cooperative problem solving in the months and years ahead.
- **Sharing court data effectively.** Essential to the efficient operation of Michigan courts is a statewide court information management system. The Judicial Information Systems (JIS) division of the State Court Administrative Office developed in 1998 a preliminary five-stage plan for connecting all the trial courts in the state with the Supreme Court and with local and state agencies for the speedy and consistent transmission of court data. JIS also equipped each of the state's chief judges with internet access and e-mail to expand the research and communication abilities of the courts.
- **Improving public access.** In the interest of open government, the Supreme Court implemented two orders in 1998 addressing public access to Supreme Court administrative records and meetings. In May, the Court held its first public administrative hearing, one of three per year required under the new open meetings order. The hearings, as well as oral argument sessions, were — and continue to be — open to the public and cablecast statewide over Michigan Government Television (MGTV).
- **Expanding public knowledge.** To increase legislative and public understanding of the issues involved in court reorganization, the Supreme Court sponsored three panel discussions also televised statewide by MGTV. The discussions addressed the subjects of court merger and the guarantee of one judge per county elected exclusively by the voters of each county, the family division of circuit court, and local government relations. Participants included the chief justice, judges, key legislators, and individuals representing county clerks and county commissioners. Presented in the Supreme Court's courtroom on the second floor of the G. Mennen Williams Building, the discussions illuminated the complexities, and highlighted the possibilities, of a court system redesigned in the interest of public service. The Supreme Court also inaugurated its web site, which provides quick access to recent Supreme Court and Court of Appeals decisions, helpful background for citizens regarding the operation of the court system, and links to other law-related web sites at the local, state and federal levels.

In addition to its court reform and administrative activities, the Supreme Court in 1998 addressed numerous issues related to court procedure. This involved the amending of court rules to improve case flow and other aspects of court management.

### 1998 Summary Statistics Report for year ending December 31, 1998

In 1998, there were 2,436 cases filed in the Supreme Court. During the year, the Court disposed of 2,992 cases.

The timeliness of the Court's case dispositions compared favorably with the American Bar Association Appellate Court Performance Standards. Those guidelines state that courts of last resort should resolve 50 percent of their appeals within 290 days and 90 percent of all appeals within one year from the date of filing. An examination of Michigan Supreme Court dispositions at year's end revealed that 55 percent of dispositions were within 290 days and 90 percent within one year.

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## High court issues annual report, statistical summary

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**TABLE 1. Caseload, Quantitative Report**

	1994	1995	1996	1997	1998
Cases Filed	3,188	3,173	2,770	2,847	2,436
Cases Completed	2,733	2,799	2,898	2,736	2,992
Cases Pending at Year End	1,805	2,179	2,051	2,162	1,606

**TABLE 2. Case Disposition by Type**

	1997	1998
Completed by opinions	88 (3%)	121 (4%)
Completed by final orders without opinions	195 (7%)	235 (8%)
Completed by denial of leave to appeal	2,381 (87%)	2,567 (86%)
Completed by dismissals & withdrawals	72 (3%)	69 (2%)
<b>TOTAL</b>	<b>2,736</b>	<b>2,992</b>

**TABLE 3. Types of Case Filings**

	1997	1998
Applications for leave to appeal	2,756 (97%)	2,344 (96%)
Applications prior to Court of Appeals decision	12	11
Applications from Attorney Discipline Board	14	20
Mandamus/Superintending Control Attorney Grievance Commission Board of Law Examiners Court of Appeals	49	40
Judicial Tenure Commission cases	3	10
Certified Questions	1	1
Advisory Opinion	—	—
Miscellaneous	12	10
	91 (3%)	92 (4%)
<b>TOTAL</b>	<b>2,847</b>	<b>2,436</b>

Civil cases filed	1,232 (43%)	1,064 (44%)
Criminal cases filed	1,615 (57%)	1,372 (56%)

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## High court issues annual report, statistical summary

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### Motions and other separate orders

During the year ended December 31, 1998, the Court issued 585 separate additional orders on motion matters as follows: 95 orders granting leave to appeal; 28 orders on motions for rehearing; 262 orders on motions for reconsideration; 36 orders holding cases in abeyance, issued on the Court's own motions; 22 miscellaneous orders on motions for bail, for stay of proceedings, appointing a Master in Judicial Tenure Commission cases, to tax or not tax costs, etc.; 110 orders issued by the Chief Justice, here commonly called "housekeeping orders", *e.g.*, orders on motions to extend the time for filing briefs, to place on or withdraw a case from a session calendar, or for oral argument, etc.; 21 orders to show cause; and 11 remands with jurisdiction retained.

### Grants of Leave to Appeal

Orders granting leave to appeal notify the parties that formal review of the case will be undertaken. Grant orders and their percentage relationship to new filings for the past ten years appear in Table 4 (*at right*).

Year	Grants	% of New Filings
1998	95	4.0
1997	106	4.0
1996	105	4.0
1995	90	2.9
1994	116	3.7
1993	85	3.1
1992	87	3.6
1991	64	2.9
1990	81	3.2
1989	52	1.9

TABLE 4. Grant orders for leave to appeal

## Administrative Update

### Child support distribution rules implemented statewide

Federal regulations currently being implemented throughout the state will impact how child support is distributed. The regulations do not decrease the amount of child support to which a recipient is entitled. However, the regulations may alter the time of month when the recipient receives the support, as well as the amount he or she receives in each check. This may cause concern for support recipients who are used to a different manner of distribution.

To provide an overview of what the federal regulations are and how they affect support distribution, the State Court Administrative Office (SCAO) has developed a brochure, titled *Understanding Child Support Payment Distribution*, which outlines the new distribution methods. In addition, courts may wish to review Friend of the Court Model Policy and Procedures Memo 1998-2 for information on distribution requirements.

Chief judges or friends of the court may wish to advise support recipients of the distribution changes through public service announcements. A draft script for an audio public service announcement and a copy of the brochure were included in the May administrative mailings.

Questions about the distribution regulations should be directed to: Sharon Deja, Steve Capps or Ron Kollen, Friend of the Court Bureau. PH: 517/373-5975.

### Courts responsible for setting fines and costs

According to Michigan statutes, the responsibility of setting fines and costs for civil infractions lies with the courts. When appropriate, courts may increase fines and costs *in general* by certain amounts on each violation, if these increases are consistent with statutory provisions and reasonable costs. (The SCAO publishes an annual chart that lists a range of fines and costs for first offense civil infractions.)

A portion of monies collected from these fines and costs is set aside for the general fund of the local funding unit. The funding unit may, in turn, decide to allocate certain amounts of money from the general fund into a special building fund.

Court staff with questions regarding the establishment of fines should contact an SCAO regional administrator.

## ADMINISTRATIVE MAILINGS

The items listed here have been sent under separate cover since the previous issue of the *Michigan Supreme Court Report*.

**Supreme Court Orders:** 98-23 In re Proposed Amendment of Canon 7 of the Michigan Code of Judicial Conduct; 114291 & (4) complaint against Hon. James A. Scandirito, 41B District Court.

**Bay Mills Indian Community:** Rule 104.1, as amended February 24, provided pursuant to MCR 2.615.

**Letter from Amy Byrd:** SCAO approved forms changes for June distribution to be distributed to all forms contacts.

**PSA30 (4/99):** Understanding child support payment distribution.

**Friend of the Court:** Annual Statutory Review, FOC 17.

**Publication & Notice:** Friend of the Court Annual Statutory Review, FOC 18.

**Policy:** Speedometer Calibration.

**Guidelines:** adjudication of speeding cases involving laser speed measurement devices.

**LEIN News Bulletin:** March/April 1999 edition.

**Central Records Division News Bulletin:** Article on the Criminal Justice Information System project.

**Employment Opportunities:** Technical services representative, SCAO; Programmer Analysts (3 positions), SCAO.

## Administrative Update

### MJI offers PPO training for court support staff

The Michigan Judicial Institute (MJi) will soon complete its interactive compact disc (CD-i) training program on personal protection actions designed for court support personnel. This program follows the stages of a hypothetical personal protection action from its initiation through an enforcement proceeding after an alleged violation of the court's order. At each stage of the action, participants obtain information about the law as it affects their duties, appropriate responses to the parties' requests for assistance, and techniques for managing emotionally charged situations.

Along with the compact disc, participating courts will receive supporting written materials for participants and their training facilitators, as well as the equipment necessary to view the compact disc. The MJi plans to distribute the disc and supporting materials to participating courts in June. An orientation session for training facilitators will be held June 24 in Grayling. For information, contact Mary Lovik, MJi. PH: 517/334-8998. EMAIL: lovikm@jud.state.mi.us

### SCAO suggests procedures for issuing juvenile PPOs

Procedures for issuing and processing violations of juvenile PPOs are not provided in statute or court rule. Until procedural rules are established, the SCAO recommends that courts use the following procedures for processing juvenile PPOs:

**Issuance of a juvenile PPO:** This includes the processing of requests for juvenile PPOs, the possible holding of hearings concerning such requests, and the form of any juvenile PPO issued.

- Review procedures currently in place for the issuance of PPOs against adults;
- Use the relevant newly-created interim juvenile PPO forms (CC375M, CC376M, CC377M, CC380M and CC381); and
- Develop procedures or changes to procedure necessitated by the use of the interim forms.

**Modification or rescission of a juvenile PPO:** Courts should review and incorporate procedures currently in place for the modification or rescission of an adult PPO.

**Enforcement of a juvenile PPO:** Courts should review and incorporate procedures currently in place for juvenile delinquency proceedings. Courts should also use the relevant juvenile forms (i.e., JC04, JC05, JC10, and JC20, the last three of which have been revised on an interim basis to accommodate juvenile PPO violations).

The suggested interim procedures are only a recommendation. The newly passed laws (Public Acts 474, 475, 476 and 477), which became effective March 1, are unclear regarding the process to follow concerning juvenile PPOs. The work of a court rules committee may provide further clarification through rules regarding juvenile PPO procedures to be followed. Revised interim forms have already been mailed to courts.

In response to the recent juvenile PPO legislation, the MJi has produced a booklet containing assistance on the various issues surrounding juvenile PPO procedure. In addition to discussions on procedure, the booklet contains descriptive charts. In producing the booklet, the MJi consulted judges, prosecuting attorneys and domestic violence experts. Booklets have been distributed to chief judges and family division judges. To receive a copy, contact the MJi. PH: 517/334-7805.



## Administrative Update

### Bond money interest to be deposited with funding unit

Bond is normally posted with the court and deposited in the court's trust account. Any interest earned on this account should be deposited with the court's funding unit (MCL 765.17). Please note that this statute applies *only* to bond monies. In interpreting this statute in *Potter v Wayne County*, 46 Mich.App.174; 207 N.W.2d 448, the Court of Appeals was not conclusive regarding the distribution of interest earned on other types of funds held by a court. Courts are encouraged to review the *Potter* decision for guidance.

The clerk of circuit court may, by court order, receive compensation for his or her services in handling money for the court (MCL 600.2529(1)(f)), regardless of whether the funds are invested in interest-bearing accounts. In such a case, the parties to be charged must be notified. The SCAO is presently unaware of any similar statutory provisions for district or probate courts. Courts requiring information should contact Matt Hanley, SCAO. PH: 517/373-7496.

### Training videos available through MJJ resource library

The MJJ currently has two new video training series available through its resource lending library. One series is a product of the recent district court probation officers seminar that was held in Mt. Pleasant. The other, titled *Leadership and Effective Teamwork*, contains footage from a recent chief judges seminar.

Supported by a grant from the Domestic Violence Training Project, the *Probation Officers Seminar Videotape Series* includes: presentations on the dynamics of domestic violence; legal issues and definitions of domestic violence; assessment and PSI recommendations; a panel discussion addressing the treatment of domestic violence; and presentations on coordinated response and supervision of domestic violence cases.

Presenters include judges, attorneys, probation officers and other experts in the domestic violence field. Seminar materials including handouts and the adopted batterer intervention standards for Michigan are available with the videotapes.

The *Leadership and Effective Teamwork* videotape series, featuring William A. Donohue, PhD, College of Communication Arts and Sciences, Michigan State University, is divided into five learning modules. Each module has been condensed into a short videotape presentation no longer than 25 minutes. The five modules are: Fundamentals of Judicial Leadership; Team Building in the Court Setting; Managing Conflict in Teams; Decision-Making and Effective Meetings; and Making Change in Courts.

Print materials accompany each module to enhance the information provided in the videotapes. Material includes: collaborative leadership qualities inventory; test of vision loss; list of behaviors that team leaders use to encourage the heart; and lessons learned to enable leaders to act.

In addition to the videotape series featured here, the MJJ resource lending library has a variety of material available for loan. For information, or to request material, contact Lori Sheets or Vickie Eggers at MJJ. PH: 517/334-7805.

## ADMINISTRATIVE MAILINGS

The administrative mailings listed here have been sent under separate cover.

**From John D. Ferry, Jr. —** 98-53, Amendment to MCR 8.11; faxed to all chief judges, 2/23/99.

**From John D. Ferry, Jr. —** Treasury Dept. correspondence to county and municipal treasurers and local funding units regarding reporting of accounts receivable for 1998; e-mailed to all chief judges, court administrators, county clerks and FOCs, 2/26/99.

**From John D. Ferry, Jr. —** Verification of 1998 caseload report data; mailed to chief probate court judges, 3/5/99.

**From James L. Covault —** Recreational Trespass statute changes; e-mailed to all district court judges, magistrates, court administrators and court clerks, 3/16/99.

**From Amy Byrd —** 1999 update to Section 9 of the Manual for FOC, mailed to all FOC's, 3/17/99. Tentative list of SCAO approved forms changes for June distribution, mailed to circuit and district forms contacts, 4/1/99.

**From John D. Ferry, Jr. —** Court Technology Conference, call for papers; e-mailed to all judges, court administrators and court clerks, 3/18/99.

**From John D. Ferry, Jr. —** Administrative memo 1999-03 regarding judicial leave recordkeeping; e-mailed to all trial court chief judges, 3/23/99.

**The Pundit**, mailed 3/30/99.

**From John D. Ferry, Jr. —** Public perceptions of jury service; mailed to all chief judges, 4/1/99.

**From John D. Ferry, Jr. —** 1999 master jury list CD; e-mailed to all chief judges, 4/12/99.

**From John D. Ferry, Jr. —** Support distribution rules to be implemented statewide; e-mailed to chief circuit judges, chief probate and family division presiding judges, 4/15/99.

## Administrative Update

### Amendments to probation statute effective August 1

Beginning August 1, courts may include two items as conditions to probation. These items, in accordance with 1998 Public Acts 449 and 450, are:

- A probationer may be subject to conditions reasonably necessary for the protection of one or more named persons. The court or a law enforcement agency within the court's jurisdiction shall enter the order or amended order into the law enforcement information network (LEIN). If the court rescinds the order, the court shall remove or notify law enforcement to remove the order or amended order from LEIN.
- A probationer may be ordered to reimburse the county for expenses incurred by the county in connection with the conviction for which probation was ordered as provided in MCL 801.81-801.93. At present, MCL 600.803(1)(a) provides for either \$60 per day or the actual per diem cost of maintaining the prisoner sentenced to a county jail, whichever is less, for the entire period of time the person was confined in the county jail, including any period of pretrial detention. (*Note: Public Act 450 removed the language in 801.83(1)(a) allowing reimbursement for pre-trial detention resulting in a felony conviction.*)

#### Address Corrections

All court staff should forward address and phone number corrections to:

Brenda Underwood  
SCAO  
PO Box 30048  
Lansing, MI 48909

[underwoodb@jud.state.mi.us](mailto:underwoodb@jud.state.mi.us)

SCAO Orders of Probation forms (DC-243 and CC-243a) are being amended to provide for additional copies of the form to be sent to local law enforcement for entry into LEIN. The form will require an expiration date such as the target date for discharge from probation. Any amendment to the protective condition or the expiration date should be forwarded to local law enforcement on form MC-244. If a probationer is discharged early, or if probation is revoked and defendant resentenced, the protective condition is canceled from LEIN using form MC-239, Removal of Entry from LEIN. Revised versions of forms DC-243, CC-243a and MC-240a will be forwarded to the courts along with other revised SCAO forms in June.

### FOC annual statutory reviews due August 1

Annual reviews of each friend of the court must be conducted by their respective chief circuit judge. A copy of the review, along with any friend of the court responses and a summary of the public comment, must be submitted to the SCAO Friend of the Court Bureau (FOCB) by August 1. If no annual statutory review is being conducted, the chief circuit judge is required to submit form FOC 17, indicating the reason a review was not conducted.

According to MCL 552.524, chief circuit court judges must annually review the performance record of each friend of the court. Public notice of the annual review is required. The FOCB Policies and Procedures Memo 1984-2 suggests that a notice be published 60 and 30 days prior to July 1 in the newspaper with the widest county circulation. (SCAO form FOC 18 may be used for this.)

To conduct the review, SCAO form FOC 17 (version 6/97) should be used. Public comments and citizen advisory committee reports/recommendations should be summarized. Each friend of the court is allowed an opportunity to write a response to the review; a copy of their written response should be sent with the review to the FOCB. Memo 1984-2 states that reviews need not be conducted if the friend of the court has not served for at least one full year.

Questions regarding the statutory review should be directed to: William J. Bartels, FOCB. PH: 517/373-5975. EMAIL: [bartelsb@jud.state.mi.us](mailto:bartelsb@jud.state.mi.us)

## Grant Update

**Office of Drug Control Policy (ODCP) Byrne Memorial Formula Grants:** Seven grant applications were submitted to the Office of Drug Control Policy during April. Five grant applications were submitted under the “Rehabilitation of Juveniles and Adults” category from these courts: Kalamazoo Circuit Court; 26th Circuit Court-Family Division (Alpena); 46th Circuit Trial Court (Grayling); 61st District Court (Grand Rapids); and 80th District Court (Gladwin). In addition, one grant application was submitted under the “Family and Domestic Violence Policing Strategies” category by the 61st District Court (Grand Rapids) and one grant application was submitted under the Zero Tolerance category from 34th District Court (Romulus). Grant awards are anticipated to be made in July. For information contact the ODCP: Lewis Cass Bldg., 2nd Floor, 320 S. Walnut St., Lansing, MI 48913. PH: 517/373-4700.

**Office of Juvenile Justice and Delinquency Prevention (OJJDP):** The OJJDP has funding available for training and technical assistance related to violence prevention programs. For information contact Betty Chemers. EMAIL: bchemers@ojp.usdoj.gov

**United Technologies Corporate Contributions:** Approximately \$7 million is available for human services programs primarily focused on substance abuse prevention and treatment, health education and higher education for selected states including Michigan. Grant deadline is June 1. For information, contact: United Technologies Corporate Contributions, 1 Financial Plaza, Hartford, CT 06101. PH: 860/728-7848.

**State Justice Institute (SJI) Scholarships:** Scholarships are available from the SJI for judges and specified court personnel. Scholarships will be approved only for programs that: address topics included in the SJI “special interest” categories; enhance the skills of judges and court managers; or are part of a graduate program for judges or court managers. Applications for scholarships and any required documents for programs beginning between July 1 and September 30 must be received by SJI between April 1-June 1, 1999. All applicants must meet eligibility requirements and obtain written concurrence from the Chief Justice of the Supreme Court designee (State Court Administrator) on the required scholarship concurrence form. The application needs to have the original signature of the applicant. The SCAO requests that applicants also receive a letter of support from the chief judge of their court and approval from the court’s SCAO regional administrator. The deadlines for the SJI scholarships are very rigid. Applications and required documents must be submitted to the SCAO with adequate time for processing the concurrence form in order to be submitted to SJI prior to the required deadlines. For additional information on SJI scholarships, contact Margie Good, SCAO. PH: 517/373-5596.

### Grant writing consultation available from the SCAO

The SCAO will provide assistance to courts in identifying potential sources of funding for specific issues or consultation on grant-writing or grant proposals. If you have questions about any of the grants listed or need grant-related assistance, contact Margie Good, SCAO, at 517/373-5596.

### Grant-Related Web Sites

The following web sites offer grant and technical assistance information:

**Office of Juvenile Justice & Delinquency Prevention:** <http://ojjdp.ncjrs.org/>

**National Criminal Justice Reference Service:** [www.ncjrs.org](http://www.ncjrs.org)

**Drug Courts Program Office:** [www.ojp.usdoj.gov/dcpo](http://www.ojp.usdoj.gov/dcpo)

**National Association of Drug Court Professionals:** [www.drugcourt.org](http://www.drugcourt.org)

**National Center for State Courts:** [www.ncsc.dni.us/wash\\_dc/gov\\_rel.htm](http://www.ncsc.dni.us/wash_dc/gov_rel.htm)

**Center on Crime, Communities & Culture:** [www.soros.org/crime/](http://www.soros.org/crime/)

**State Justice Institute:** [www.clark.net/pub/sji/](http://www.clark.net/pub/sji/)

# June

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|------|--|---------|--|
| 3-4  | MJI – Achieving Supervisory Excellence<br>Holiday Inn, Petoskey                        | 15-16   | MJI – Regional Judicial Seminar<br>Sheraton Inn, Lansing   |
| 3    | MJI – District Court: OUIL<br>Sheraton Inn, Lansing                                    | 16-18   | Michigan Probate and Juvenile<br>Registers Conference<br>Park Place, Traverse City   |
| 4    | Michigan Association of Court<br>Mediators<br>Catholic Social Services, Mt. Pleasant   | 20-25   | MJI – Detention Home Line Staff:<br>New Employees<br>DNR Conference Center, Higgins Lake   |
| 8    | MJI – Top Quality Service<br>Hamilton Inn, Mackinaw City                               | 22 & 23 | MJI – Top Quality Customer Service<br>Ramada Inn, Muskegon   |
| 9    | MJI – Top Quality Service<br>Holiday Inn, Alpena                                       | 24      | MJI – Training Your Staff on PPO's:<br>An Orientation for Courts Using MJI's<br>Compact Disc Training Program<br>Holiday Inn, Grayling |
| 9-10 | MJI – Family Division:<br>Experienced Mediators<br>Courtyard by Marriott, Grand Rapids | 24      | MJI – Personal Protection Order<br>Training<br>Holidome Conference Center, Grayling  |
| 15   | Michigan Judges Association<br>University Club, Lansing                                |         |  |

# July

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|-------|---|---------|---|
| 12-14 | 1999 Annual Judicial Conference of<br>District and Municipal Court Judges<br>Shanty Creek, Bellaire | 19 - 22 | MJI – Juvenile Law I<br>Detroit College of Law<br>Michigan State University, East Lansing |
| 13    | Michigan Family Support Council<br>Ingham County Building   | 20      | Michigan Judges Association<br>University Club, Lansing                                   |
| 13    | Child Support Formula Standing<br>Subcommittee Meeting<br>SCAO, Lansing                             |         |   |

**Michigan  
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# REPORT

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